

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

STACY WILLIAMS,

Plaintiffs,

vs.

No.

THE FRESH MARKET, INC.,

JURY TRIAL DEMANDED

Defendant.

COMPLAINT

COMES NOW the Plaintiff, Stacy Williams, by and through her counsel of record, and files this complaint for personal injuries sustained as a result of an injury received at the hand of the Defendant as follows:

I. PARTIES

1. The Plaintiff is a resident and citizen of Brentwood, Williamson County, Tennessee.

2. At all times relevant to this Complaint, Defendant, The Fresh Market, Inc., is a foreign duly authorized corporation doing business in Tennessee. Their principal place of business is located at 628 Green Valley Road, Suite 500, Greensboro, NC 27408-7791 with Corporate Creations Network, Inc., 205 Powell Place, Brentwood, TN 37027-7522, as their registered agent for service of process.

II. JURISDICTION AND VENUE

3. Plaintiff's cause of action arises in tort under and by virtue of the laws of the State

of Tennessee for the injuries she sustained as a result of a bottle falling off the shelf premises owned and operated by Defendant, The Fresh Market, Inc., on or about September 30, 2019, in Williamson County, Tennessee.

4. The Court has jurisdiction over the claims raised herein, pursuant to 28 U.S.C. § 1332, as this matter is between parties of different states with complete diversity and involves an amount in controversy in excess of \$75,000.00.

5. Venue for this action properly lies in the Middle District of Tennessee, pursuant to 28 U.S.C. § 1391, as the Defendant's tortious acts and/or omissions, which constitute the basis for the instant dispute, occurred in Williamson County, Tennessee.

III. FACTUAL ALLEGATIONS

6. Defendant The Fresh Market, Inc., owns and operates a business located at 235 Franklin Road, Brentwood, Tennessee 37027. Defendant operates a grocery store and solicits members of the public to come to its premises for the purpose of purchasing various items such as fresh foods, meat, seafood, baked goods, etc.; thus, Defendant, by implication, agrees to provide premises safe for use by members of the public.

7. Plaintiff Stacy Williams had occasion to patronize Defendant's place of business on September 30, 2019, to purchase Topo Chico water.

8. Inside the store, Defendant had the Topo Chico water on the shelf. Plaintiff approached the shelf and proceeded to pick up a 12-count package of the bottled water. As she removed it from the shelf a 25-ounce glass bottle of Topo Chico water fell off the shelf and hit her leg and broke on impact causing serious personal injuries.

IV. ALLEGATIONS OF NEGLIGENCE

9. Plaintiff Stacy Williams alleges that the shelf was stocked too tightly which created an unreasonably dangerous condition on the premises.

10. Plaintiff alleges that if Defendant would have stocked the shelves appropriately, no injuries would have occurred.

11. Furthermore, Plaintiff alleges that the unreasonably dangerous condition was negligently caused by the employees or agents of Defendant, and that it was reasonably foreseeable that Plaintiff Stacy Williams would encounter this dangerously defective condition, such that Defendant, by and through its employees or agents, should have corrected same.

12. Defendant owed Plaintiff Stacy Williams a duty of reasonable care for her protection while on its premises, which the Defendant negligently breached.

13. Defendant knew, or should have known, about the dangerous condition on its premises, yet maintained said premises in a dangerous, defective, and unsafe condition despite actual and/or constructive notice thereof.

V. DAMAGES

14. As a direct and proximate result of Defendant's negligent acts and omissions, Plaintiff Stacy Williams sustained painful personal injuries, suffering and undue emotional duress, and the loss of ability to participate in and enjoy the pleasures of life, for all which she deserves to be compensated.

15. As a direct and proximate result of Defendant's negligent acts and omissions, Plaintiff Stacy Williams has incurred medical expenses for the treatment of said injuries, for which she deserves to be compensated.

WHEREFORE, PLAINTIFFS PRAY FOR RELIEF AS FOLLOWS:

- A) For process to issue and be served upon Defendant, requiring Defendant to answer the allegations hereof;
- B) For a money judgment in favor of Plaintiff Stacy Williams against Defendant, in an amount to be determined at trial;
- C) For costs to be taxed to Defendant; *and*
- D) For such other further and general relief to which they may be entitled under law and equity.

RESPECTFULLY SUBMITTED,

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